

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:18-cv-12399-FDS**

National Consumer Law Center v. Department of Education
Assigned to: Judge F. Dennis Saylor, IV
Cause: 05:552 Freedom of Information Act

Date Filed: 11/16/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

National Consumer Law Center

represented by **Joanna K. Darcus**

National Consumer Law Center
1001 Connecticut Ave NW, Suite 510
Washington, DC 20036
202-452-6252
Fax: 202-296-4062
Email: jdarcus@nclc.org
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Persis S. Yu

National Consumer Law Center
7 Winthrop Square
4th Floor
Boston, MA 02110
617-542-8010
Email: pyu@nclc.org
ATTORNEY TO BE NOTICED

Stuart T. Rossman

National Consumer Law Center
7 Winthrop Square
4th Floor
Boston, MA 02110
617-542-8010
Fax: 617-542-8028
Email: srossman@nclc.org
ATTORNEY TO BE NOTICED

V.

Defendant

Department of Education

represented by **Susan M. Poswistilo**

United States Attorney's Office
John Joseph Moakley Federal Courthouse
1 Courthouse Way
Suite 9200
Boston, MA 02210
617-748-3103
Fax: 617-748-3675
Email: susan.poswistilo@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/16/2018	<u>1</u>	COMPLAINT against Department of Education Filing fee: \$ 400, receipt number 0101-7415271 (Fee Status: Filing Fee paid), filed by National Consumer Law Center. (Attachments: # <u>1</u> Exhibit Declaration of Ana Girn Vives with attachments, # <u>2</u> Civil Cover Sheet)(Yu, Persis) (Attachment 2 replaced on 11/16/2018 due to fillable

		format) (DaSilva, Carolina). (Entered: 11/16/2018)
11/16/2018	<u>2</u>	ELECTRONIC NOTICE TO COUNSEL: Counsel shall complete and file in PDF format a Local Category Form. The form can be found on the court's website under Resources/Forms. Counsel will use the event under Other Documents– Civil Cover Sheet & Category Sheet. (DaSilva, Carolina) (Entered: 11/16/2018)
11/16/2018	<u>3</u>	Category Sheet by National Consumer Law Center. (Yu, Persis) (Main Document 3 replaced on 11/19/2018 to flatten PDF) (DaSilva, Carolina). (Entered: 11/16/2018)
11/19/2018	<u>4</u>	ELECTRONIC NOTICE of Case Assignment. Judge F. Dennis Saylor, IV assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Marianne B. Bowler. (Finn, Mary) (Entered: 11/19/2018)
11/19/2018	<u>5</u>	Summons Issued as to Department of Education. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (DaSilva, Carolina) (Entered: 11/19/2018)
01/04/2019	<u>6</u>	AMENDED COMPLAINT against Department of Education, filed by National Consumer Law Center. (Attachments: # <u>1</u> Exhibit Giron Vives Amended Declaration)(Yu, Persis) (Entered: 01/04/2019)
02/06/2019	<u>7</u>	AFFIDAVIT OF SERVICE Executed by National Consumer Law Center. Department of Education served on 1/18/2019, answer due 2/8/2019. Acknowledgement filed by National Consumer Law Center. (Yu, Persis) (Entered: 02/06/2019)
02/06/2019	<u>8</u>	First MOTION to Stay of <i>Administrative Appeal Deadline</i> by National Consumer Law Center. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Yu, Persis) (Entered: 02/06/2019)
02/07/2019	<u>9</u>	NOTICE of Appearance by Stuart T. Rossman on behalf of National Consumer Law Center (Rossman, Stuart) (Entered: 02/07/2019)
03/05/2019	<u>10</u>	Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered. Plaintiff's <u>8</u> Motion for Stay of Administrative Appeal Deadline is GRANTED. The Plaintiff shall have until seven days after Defendant answers or otherwise responds to Plaintiff's First Amended Complaint to file any administrative appeal in the underlying FOIA request. (Pezzarossi, Lisa) (Entered: 03/05/2019)
03/22/2019	<u>11</u>	First MOTION for Leave to Appear Pro Hac Vice for admission of Joanna K. Darcus Filing fee: \$ 100, receipt number 0101-7597858 by National Consumer Law Center. (Attachments: # <u>1</u> Affidavit Joanna Darcus Declaration)(Yu, Persis) (Entered: 03/22/2019)
03/25/2019	<u>12</u>	Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered granting <u>11</u> Motion for Leave to Appear Pro Hac Vice Added Joanna K. Darcus. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Halley, Taylor) (Entered: 03/25/2019)
04/16/2019	<u>13</u>	ANSWER to <u>6</u> Amended Complaint by Department of Education.(Poswistilo, Susan) (Entered: 04/16/2019)
07/24/2019	<u>14</u>	NOTICE of Scheduling Conference: Scheduling Conference set for 8/21/2019 02:30 PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Attachments: # <u>1</u> Scheduling Order Template) (Bono, Christine) (Entered: 07/24/2019)
08/19/2019	<u>15</u>	JOINT STATEMENT re scheduling conference . (Darcus, Joanna) (Entered: 08/19/2019)
08/19/2019	<u>16</u>	CERTIFICATION pursuant to Local Rule 16.1 by Plaintiff. (Attachments: # <u>1</u> Certificate of Service)(Darcus, Joanna) (Entered: 08/19/2019)

08/19/2019	<u>17</u>	Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered re <u>15</u> JOINT STATEMENT re scheduling conference. The parties shall file a joint status report by 9/13/2019, as to whether summary judgment briefing will be necessary and, if so, propose a briefing schedule. (Bono, Christine) (Entered: 08/19/2019)
08/19/2019	<u>18</u>	ELECTRONIC NOTICE OF RESCHEDULING. Scheduling Conference set for 8/21/2019 is CANCELLED. Status Conference set for 9/26/2019 02:00 PM in Courtroom 2 before Judge F. Dennis Saylor IV. (<i>Parties may participate by telephone by notifying the deputy clerk by email, on or before 9/24/2019, and requesting dial-in information.</i>) (Bono, Christine) (Entered: 08/19/2019)
09/16/2019	<u>19</u>	STATUS REPORT <i>Jointly Filed by the Parties</i> by National Consumer Law Center. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Darcus, Joanna) (Entered: 09/16/2019)
09/26/2019	<u>20</u>	Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered re <u>19</u> Status Report filed by National Consumer Law Center. Parties' proposed briefing schedule allowed. Defendant will file a motion to dismiss for lack of jurisdiction by 10/1/2019; Plaintiff will file its opposition by 10/22/2019; Defendant will file its reply in support of its motion to dismiss by 11/8/2019. (Bono, Christine) (Entered: 09/26/2019)
09/26/2019	<u>21</u>	Electronic Clerk's Notes for proceedings held before Judge F. Dennis Saylor, IV: Status Conference held on 9/26/2019. Case called. Parties update court as to status of case. Court sets date for motion hearing. NOTICE OF HEARING: Motion Hearing set for 11/13/2019 03:30 PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Court Reporter: Valerie OHara at vaohara@gmail.com.)(Attorneys present: Darcus, Brizius) (Bono, Christine) (Entered: 09/27/2019)
09/30/2019	<u>22</u>	MOTION to Dismiss by Department of Education.(Poswistilo, Susan) (Entered: 09/30/2019)
09/30/2019	<u>23</u>	MEMORANDUM in Support re <u>22</u> MOTION to Dismiss filed by Department of Education. (Poswistilo, Susan) (Entered: 09/30/2019)
10/22/2019	<u>24</u>	MEMORANDUM in Opposition re <u>22</u> MOTION to Dismiss filed by National Consumer Law Center. (Darcus, Joanna) (Entered: 10/22/2019)